

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1759

IN THE MATTER OF:

Served October 18, 1977

Application of EDGAR KENNEDY T/A)
S & K TRANSPORTATION for a Certificate)
of Public Convenience and Necessity to)
Perform Special Operations)
- - - - -)
Application of WILLIAM SARTOR T/A)
W & S TRANSPORTATION SERVICES for a)
Certificate of Public Convenience and)
Necessity to Perform Special)
Operations)

Application No. 997

Docket No. 381

Application No. 1003

Docket No. 382

By Application Nos. 997 and 1003, Edgar Kennedy trading as S & K Transportation (Kennedy) and William Sartor trading as W & S Transportation Services (Sartor), respectively, seek certificates of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact authorizing the transportation of persons confined to wheelchairs between points within the Metropolitan District and medical facilities within the Metropolitan District. Kennedy and Sartor have each submitted, as their schedule of rates, the schedule of rates published by the District of Columbia Department of Human Resources (DHR) for transportation of non-ambulatory passengers in the D. C. Medicaid program, as follows:

- a. One-way trip within the Capital Beltway
(Route 495) \$15.00
Cancellation Charge 7.50
- b. One-way trip outside the capital Beltway
(Route 495) \$15.00 + \$.75 per loaded mile
- c. Round-trip within the Capital Beltway
(Route 495) \$25.00
Cancellation Charge 12.50
- d. Round-trip outside the Capital Beltway
(Route 495) \$25.00 + \$.75 per loaded mile
- e. Unusual circumstances requiring additional manpower
\$5.00 additional per trip

A public hearing was held on each application. Kennedy, a sole proprietor, proposes to provide service between the hours of 7 a.m. and

11 p.m. in a 1977 van, equipped with a radio and fire extinguisher. Kennedy has no cash on hand, but assertedly has equity of approximately \$42,000 in real estate.

Sartor, also a sole-proprietor, proposes to provide service between the hours of 8 a.m. and 6 p.m. in a van which has yet to be purchased. Sartor's Statement of Financial Condition reflects total assets of \$3,800 and total liabilities of \$2,960.

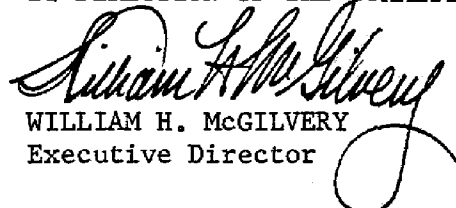
Title II, Article XII, Section 4(b) of the Compact mandates that the Commission issue a certificate of public convenience and necessity to any qualified applicant, if the Commission finds, after hearing held upon reasonable notice, (1) that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of the Compact and the rules, regulations, and requirements of the Commission, and (2) that such transportation is or will be required by the public convenience and necessity. If both these statutory standards are not met, the application must be denied.

The Commission finds that the present or future public convenience and necessity does not require either proposed operation. There is no public support for either application. Applicants have offered no evidence whatsoever which would show the need for their services, and support by DHR for these applicants is non-existent. Moreover, in Order No. 1749, served September 16, 1977, and incorporated herein by reference, the Commission found that ten additional carriers were a sufficient number to adequately, efficiently and economically transport Medicaid passengers sponsored by DHR. Accordingly, Order No. 1749 granted certificates to ten carriers to provide transportation service virtually identical to that proposed by applicants herein. As compared to the carriers already authorized, these applicants are lacking in pertinent experience. Moreover, their applications were filed significantly later than those granted in Order No. 1749. These applications must be denied.

THEREFORE, IT IS ORDERED:

1. That Application No. 997 of Edgar Kennedy trading as S & K Transportation be, and it is hereby, denied.
2. That Application No. 1003 of William Sartor trading as W & S Transportation Services be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director